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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**  
10 **OAKLAND DIVISION**

11 EPIC GAMES, INC.,  
12 Plaintiff, Counter-defendant,  
13 v.  
14 APPLE INC.,  
15 Defendant, Counterclaimant.

Case No. 4:20-CV-05640-YGR-TSH

**[PROPOSED] ORDER PURSUANT TO  
FEDERAL RULE OF EVIDENCE 502(d)**

Courtroom: 1, 4th Floor

Judge: Hon. Yvonne Gonzalez Rogers

1 Defendant Apple Inc. has filed a Motion for an Order Pursuant to Federal Rule of Evidence  
2 502(d). Having considered the Motion, all associated briefs, declarations, and any argument of  
3 counsel, and for good cause appearing:

4 **IT IS HEREBY ORDERED THAT:**

5  
6 1. Apple's production of Disputed Documents—defined as all "Category One"  
7 documents that Apple has been ordered to produce by the Special Masters, Magistrate Judge  
8 Hixson, and/or the Court, and all "Category Two" documents as defined in the Special Master  
9 Protocol (Dkt. 1092 at 2)—shall not be deemed a waiver by Apple of any privilege assertions  
10 (including attorney-client, work product, or any other applicable privilege) for purposes of this  
11 proceeding, any other proceeding, appeal, or otherwise.

12 2. Epic's or Apple's use of the Disputed Documents (over which Apple maintains its  
13 privilege assertions) or at an evidentiary hearing, in briefing, shall not be deemed a waiver by Apple  
14 of any privilege assertion (including attorney-client, work product, or any other applicable  
15 privilege) for purposes of this proceeding, any other proceeding, appeal, or otherwise.

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18 **IT IS SO ORDERED.**

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20 Dated: \_\_\_\_\_

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HON. YVONNE GONZALEZ ROGERS